United Nations CEDAW/C/MNE/2

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
15 July 2016

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention

Second periodic report of States parties due in 2015

Montenegro*

[Date received: 13 June 2016]

Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

16-12240 (E) 220816

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Introduction

1. Montenegro acceded to the CEDAW Convention as a part of the succession process.

2. The deadline for submitting Report (Under the Article 18 of the CEDAW Convention) was 23 October 2007, that is a year after the Convention entered into force in relation to Montenegro.

3. The Initial Report was adopted by the Government of Montenegro in February 2010, and forwarded to the CEDAW Committee in May 2010.

4. The Committee considered the initial report of Montenegro (CEDAW/C/MNE/1) at its 1002nd and 1003rd meetings on 6 October 2011 (CEDAW/C/SR.1002 and 1003).

5. The Committee expressed its appreciation to Montenegro for its initial report and also welcomed the adoption, since the entry into force of the Convention for the State party, of several legislative measures aimed at eliminating discrimination against women, as well as the establishment of various institutional mechanisms and policies for advancing women's rights.

6. The Committee reminded of the obligation of Montenegro to continuously and systematically apply all the provisions of the Convention. Bearing in mind that in certain areas no results have been achieved, the Committee in its stated concluding remarks gave recommendations.

7. The Committee requested Montenegro to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 19 and 23, which refer to violence against women and participation in political and public life.

8. The Ministry for Human and Minority Rights, in cooperation with the sectors in charge prepared the responses to these recommendations.

9. In December 2014, the Rapporteur for Follow-up on Concluding Observations of the CEDAW Committee, Ms. Barbara Bailey, sent the comments to the report that Montenegro submitted in 2014, and in it she provided additional recommendations in relation to paragraphs 19 and 23.

10. In accordance with the recommendation of CEDAW Committee, the concluding observations of the Committee were sent to all the relevant ministries and Government authorities, the Parliament of Montenegro, as well as judiciary, in order to ensure their full implementation.

11. Following the guidelines of the CEDAW Committee, the periodic report adheres to the envisaged form and content of a report. It contains introduction, written information on the steps undertaken to implement the recommendations contained in Concluding Observations of the CEDAW Committee from 2011, including additional recommendations for the paragraphs 19 and 23 received in 2014, as well as the report on the implementation of the articles of the Convention and annexes.

12. The process of drafting the II Periodic Report was coordinated by the Ministry of Human and Minority Rights, which formed the working group consisting of the representatives of the: Committee for Gender Equality of the Parliament, Ministry

for Human and Minority Rights, Ministry of Justice, Ministry of Foreign Affairs and European Integrations, Ministry of Education, Ministry of Health, Ministry of Labour and Social Welfare, Ministry of Interior, Ministry of Economy, Ministry of Defence, Police Directorate, Supreme Court, Supreme State Prosecutor's office, Protector of Human Rights and Freedoms, Office for Fighting Trafficking in Human Beings, as well as an independent gender expert.

13. Since no NGOs applied to participate in the working group through the Public Call, report was forwarded to NGOs and their responses are included in the II Periodic Report.

14. II Periodic report was adopted by the Government of Montenegro.

Part I

Written information on the steps undertaken to implement the recommendations contained in Concluding Observations from 2011, including additional recommendations for the paragraphs 19 and 23 from 2014

***Key recommendations*:**

15. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the State apparatus. It invites the State party to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the State party's next reporting process under the Convention.

16. As of 2012, the Committee for Gender Equality of the Parliament of Montenegro has been organizing a session on the occasion of the 8th March, International Women's day, under the name Women Parliament, with the aim to promote women human rights in Montenegro.

17. From 2013 to 2015 the Committee organized a number of thematic sessions with the aim to raise awareness about women rights, exchange opinion on improving the legal solution for quota for less represented sex in the Electoral law, and finding mechanisms which would make them efficient, to consider the issues of political participation of women in the process of EU accession, women networking in political parties, the status of women with disabilities, women in rural areas and their political and economic empowerment, to discuss about RE women and assessing how public policies contribute to improving their position, and identifying and including all the relevant stakeholders in finding the solution to fight forced marriages.

18. The Committee organized the seminar for members of six parliamentary committees with the aim of higher consideration of the gender aspect through the work of the Parliament.

19. In 2013/2014, the Committee conducted the "Second survey on the level of knowing and applying the Law on Gender Equality in Montenegrin institutions", which covered 68 institutions and parliamentary parties. In relation to the survey

conducted in 2010, the number of respondents who listed one document which regulates gender equality issue rose by 23 per cent, the number of those who listed two documents rose by 9 per cent, and the same percentage applies to the number of those who listed three documents. The study identified the areas from the sphere of political participation where the smallest improvement has been made towards achieving gender equality, and where the state mostly lacks instruments for realizing its Constitutional obligation to run the policy of equal opportunity. This study led to the process of preparing the amendments to the Law on Gender Equality which was adopted by the Parliament of Montenegro in June 2015.

20. In April 2015, the Parliament of Montenegro and the Committee for Gender Equality, in cooperation with the OSCE Mission to Montenegro organized the 17th Cetinje Parliamentary Forum with the topic of "Human rights and gender equality in the sector of security and defence". The forum discussed the participation of women in public and political life, and stated that Montenegro takes a solid stand with regards to gender equality, since the percentage of women in the Army is 8 per cent, having in mind that certain developed countries have lower percentage, and in the USA the percentage is circa 15 per cent.

21. In May 2015, the Ministry for Human and Minority Rights, in cooperation with the NATO Communication team, organized conference "Women, peace and security — the policy of gender equality in the process of European and NATO integrations", where the Permanent NATO Representative for Women, Peace and Security took part.

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

Recommendation in paragraph 9(a) of the previous concluding observations (CEDAW/C/MNE/CO/1)

22. The Convention principles have been included in the relevant laws and the institutional framework. In the period from submitting the Initial Report the amendments have been adopted to the: Law on Anti-discrimination (2014), Law on Protector of Human Rights and Freedoms of Montenegro (2014) and the Law on Gender Equality (2015). The new Law on Prohibition of Discrimination against People with Disabilities was adopted (2015). This legislative framework determines stronger protection against all the forms of discrimination, introduces criminal provisions, and induces greater authority to the institution Protector of Human Rights and Freedoms, as described under paragraph 13 in this document.

Recommendation in paragraph 9(b)

23. The protection of women and the application of the CEDAW Convention has been the integral part of the trainings conducted by the Judicial Training Centre. From 2011, 10 trainings were organized, with the following topics:

1. Gender equality — terminology and theory — 5 trainings.
2. Prohibition of gender-based discrimination — international standards.
3. Drafting the Commentary on the Law on Protection from Violence in Family.

4. Improving the system of institutional support to victims of violence in family through activities of UNDP.

5. Protection of a child victim/witness of violence in family in judicial proceedings.

6. Violence in family with the accent on protection of child victim/witness of family violence.

Recommendation in paragraph 9(c)

24. The Ministry for Human and Minority Rights continuously, through all its activities including trainings, campaigns, presentations and publications promote the principles of the CEDAW and Optional Protocol, which are uploaded on the official website of the Ministry. On the trainings CEDAW has priority in presentation.

25. The Ministry regularly conducts campaigns such as "16 days of activism against violence over women", "Rural women, active women", "Find the time to be a dad" etc. During 2014 the Ministry organized the campaign "I support, respect, protect and advocate a HUMAN". The campaign was preceded by a study on public perceptions and attitudes on discrimination in 2013, which had shown that women are the 4th most discriminated group. Compared with the study conducted in 2011, the percentage lowered by 3 per cent, which presents a symbolic trend of decreasing the discrimination against women. In 2015 the Ministry initiated campaign under the slogan "Respect difference! Reject discrimination! Accept a HUMAN!".

National Action Plan

Recommendation in paragraph 11

26. Realization of recommendations of the Committee is an integral part of the activities within the NAP for Achievement of Gender Equality. The NAP has been brought for the period of 4 years (2013-2017), and the areas are defined in accordance with the Beijing Declaration and Platform for Action. Out of 12 critical areas from the Beijing Platform, Montenegro opted for nine areas: Improving human rights of women and gender equality; Gender sensitive education and upbringing; Gender equality in economy; Gender sensitive health protection; Gender based violence; Media and culture; Equality in the process of decision-making in political and public life; International politics and cooperation; and Institutional mechanisms for application of gender equality. This document was based on the context of Montenegrin accession to the EU, the recommendations of the CEDAW Committee, and national priorities in the domain of gender equality policies. The Government adopts annual reports on implementation of this Action Plan.

27. During 2013 the Commission for monitoring of the implementation of this Action Plan was formed. It consists of members of relevant institutions and 2 representatives of NGOs, and it holds meetings regularly.

Legal complaint mechanisms

Recommendation in paragraph 13(a)

28. In 2014 the Law on Amendments to the Law on Protector of Human Rights and Freedoms of Montenegro was adopted. In the meantime the decision was brought which stipulates that the Protector can have 4 deputies. The Law on Amendments to the Law on Gender Equality was adopted in 2015 in the Parliament of Montenegro. It stipulates that the matters of direct and indirect gender-based discrimination (besides all the forms of discrimination), within the scope of its authorities is dealt by the Protector, and that the application-based proceedings in the cases of gender-based discrimination are transferred from the authority of the Ministry for Human and Minority Rights to the authority of this institution.

29. The internal act of the Protector systematizes the fourth basic group of jobs-Institutional mechanism for the protection from discrimination, minority rights and gender equality, within the scope of which jobs of protecting human rights and freedoms are performed in the following areas: protection from discrimination, the rights of members of minority nationalities and other minority national communities, the rights of the elderly, religious rights, the rights of persons with disabilities, gender equality (including protection from violence in family from April 2015), gender identity and sexual orientation and other related areas. Human resources have been strengthened, since in total 6 positions have been systematized, and three positions have been filled so far.

30. In 2014 the Parliament of Montenegro conducted the selection of one Deputy Protector for this area, who assumed the position in January 2015, when another servant was employed — Advisor for anti-discrimination. In September 2015 one more Advisor was employed (in total 4 advisors employed), while in 2016 it is planned to fill 2 more positions of public servants.

Recommendation in paragraph 13(b)

31. The Law on Amendments to the Law on Protector of Human Rights and Freedoms of Montenegro advances the financial autonomy and independence of this institution through granting the Protector with the authority to dispose of the funds earmarked for them through the Law on the Budget. Deciding on the dynamics of spending the funds of the Protector through the budget year is still, in the authority of the Ministry of Finance.

32. Finances for the work of the Protector are ensured through the budget of Montenegro. On average 80-85 per cent of the annual budget of the Protector are used for functioning of the institution. In the overall model of financing of the institution there is no separate structure of the revenue and expenses of the anti-discrimination sector, or the section which deals with gender equality.

33. The initial act for the accreditation of the institution of Protector to the International Coordinating Committee of National Human Rights Institutions (ICC) was submitted on 23 June 2015.

Recommendation in paragraph 13(c)

34. In the period 2011-2015 the institution of Protector received 21 complaints referring to gender-based discrimination.

35. During 2011 two complaints were submitted. In one case the Protector did not determine breach of right, while the second complaint was transferred to 2012, when the Protector determined breach of right and formed the opinion with the recommendation. The recommendation was brought and acted upon in 2012.

36. In 2012 the Protector had 12 complaints referring to gender-based discrimination. In one complaint the Protector determined the violation of a right and it indicated to the authority in question that it should undertake certain appropriate measures in order to respect gender equality in accordance with the national legislation and international law. In three cases the Protector did not determine violation of the right which was the subject of complaints. In three cases the Protector discontinued the proceedings due to the initiation of court proceedings after filing in the complaints. In four cases the Protector discontinued the proceeding since the submitters did not supplement the complaints in the envisaged period, or after it. In one case, the submitter was advised to use other legal means.

37. In 2013, two complaints for gender-based discrimination were submitted to the Protector, and one complaint was prepared upon its own initiative, which makes it three complaints during the year. In one case the Protector removed the breach of right which was the subject of the complaint. In the second case the Protector did not determine violation of rights, while in the third complaint which was prepared upon its own initiative, the breach of right was eliminated during the proceeding.

38. During 2014 three complaints for gender-based discrimination were submitted to the Protector. In one case no violation of right was determined, and in the second case the submitter of complaint was instructed to use other legal means. In the third complaint, the submitter of complaint, after filing the complaint with the Protector initiated the court proceeding, and hence the proceeding based on that complaint was discontinued.

39. In 2015 the Protector received one complaint for gender-based discrimination, and that proceeding is still ongoing. The reported discrimination mostly referred to the area of labour and employment, violence in family, education, and the most frequent form of the breach of anti-discrimination principles was mobbing.

40. Legal changes from 2014 remove the mobbing from the list of special forms of discrimination, and at the same time the proceeding for protection from mobbing has been defined in the special Law on Prohibition of Harassment at Work.

41. The Protector is of the opinion that this small number of complaint could be (but not necessarily) the result of the fact that in the period (2011-2015) there were formally two legal means for protection from gender-based discrimination, since by the time the amendments to the Law on Gender Equality were brought, the application indicating to direct or indirect gender-based discrimination had been submitted to the Ministry of Human and Minority Rights.

42. In the same time, The Law on Prohibition of Discrimination did not contain explicit provision on gender-based discrimination, but in the wider context the provision on prohibition of discrimination based on gender identity. At the Initiative of the Protector, this legal provision was erased by the novelties of the Gender Equality Law, which were adopted in June 2015. The application-based proceeding was removed from the Gender Equality Law, and this authority is completely transferred to the Protector, in the appeal proceedings which are submitted to this

institution pursuant to the Law on Prohibition of Discrimination and the Law on Protector of Human Rights and Freedoms of Montenegro.

National machinery for the advancement of women

Recommendation in paragraph 15(a)

43. **Strengthening** of the capacities of the Department for Gender Equality was in the focus of the expert mission on strengthening gender equality institutional mechanisms, which was organized within TAIEX programme of the European Commission, in October 2014. The expert mission recommended to establish the National Council and to work on improving the administrative capacities of the Department. In the Programme of Implementation of the NAP for 2015-2016, it is planned to set up the National Council for monitoring the implementation of gender equality policies, and to employ one more person in the Department by the end of 2017. Currently there are three persons working in the Department (The Head and two advisors).

Recommendation in paragraph 15(b)

44. The Ministry for Human and Minority Rights, the OSCE Mission to Montenegro, and local municipalities continuously implement activities for advancing gender equality policies at the local level. Some of the results are:

- 20 Memorandums of understanding with 20 municipalities, with the plan to sign them with the remaining 3 municipalities in Montenegro by the end of 2015;
- Appointing Coordinators for gender equality in 20 municipalities;
- Adopting Decisions on Gender Equality in 12 municipalities;
- In 11 municipalities Councils for Gender Equality have been formed;
- In 5 municipalities Offices for Gender Equality were established so far;
- In 9 municipalities Local Action Plans have been adopted;
- In the budgets for 2014, 6 municipalities planned targeted funds for the implementation of activities from local action plans. Other municipalities have also regular budgetary funds for the activities from the scope of gender equality, but the progress is seen in the fact that in these 6 municipalities there is a separate budget line. It is expected that this trend will continue, because the Government Conclusion stipulates that all the institutions have to plan budget for the activities from the NAP for Gender Equality (or local action plans where applicable), within regular budgetary framework.

Recommendation in paragraph 15(c)

45. Cooperation with NGOs is continuous, and meetings are held on a regular basis. At least once a year Forum for dialogue with NGOs is organized, where topics of common interest are discussed. The activities are also conducted through joint campaigns, trainings, research, and implementation of projects.

46. Women NGOs are the members of working groups for development of laws and strategies. They are also the members of the Commissions for monitoring NAP — (2 representatives). The state finances NGO, among other ways, through the Open call for disbursement of National lottery funds, and at the level of local municipalities. An example of good cooperation is conducting of the campaign "16 days of activism against violence against women". In 2014, the campaign was organized with NGO "Centre for Women's rights".

47. During 2014 and 2015, the Ministry for Human and Minority Rights in cooperation with NGO "SOS hotline for women and children victims of violence" implemented the project "Establishing efficient system of prevention and protection of children and youth from violence in family through educational institutions", financed by the Embassy of Norway, within which a "Handbook for the staff of educational institutions on action prevention and protection of children and youth form violence in family" was printed.

In June 2015 Ministry for Human and Minority Rights signed MoU with nine NGOs which run support services for women and children victims of violence in family.

Stereotypes and discriminatory practices

Recommendation in paragraph 17(a)

48. The Law on Gender Equality stipulates that special affirmative measures for ensuring gender equality can be undertaken in all the areas of social life where there is perceived unequal treatment of women and men.

49. In 2014 the Ministry for Human and Minority Rights signed a MoU with the Employers' Union, with the aim of respecting and promoting gender equality in all the areas of entrepreneurship and in employer-employee relations. The Ministry also signed a MoU with the Police Academy with the aim of increasing the number of enrolled women.

50. In 2015 the Strategy for Development of Women Entrepreneurship was adopted.

51. In 2013 a *Handbook for teachers of the subject "Healthy life styles"* was prepared, where gender equality issue is covered. In 2013 two trainings for 40 teachers of civic education on the topic of gender equality were organized, and during 2014 and 2015 this training was attended by circa 130 of them.

52. There is an elective course *Civic education* in high school which treats gender equality, and in school year 2012/2013, this course was chosen by 2778 students.

53. During campaign "16 days of activism against violence against women", the Ministry for Human and Minority Rights, in cooperation with NGOs holds public classes in schools with the topic of gender equality and gender-based violence.

54. In 2013 the Bureau for Educational Services in cooperation with NGO "Roma Education Fund" organized a set of workshops for RE population. These are: 39 workshops for RE mothers with the topic of early child development and 41 workshops with the topic of enhancing literacy skills. With RE girls

39 workshops on early child development and 41 workshops on developing literacy skills were organized.

Recommendation in paragraph 17(b)

55. National legislation and strategic documents oblige mass communication media to avoid gender stereotypes and gender discrimination and to actively contribute to gender equality policies. Such an obligation of Montenegrin media originates from the Constitution of Montenegro, the Gender Equality Law, NAP for Gender Equality 2013-2017, the Law on Media, the Law on Radio-diffusion, the Law on Public Radio-Diffusion Services of Montenegro, and the Code of journalists of Montenegro.

56. The Department for Gender Equality in 2013/2014 published 2 publications: "The Register of professions and titles of women" and "Monitoring — gender sensitivity of Montenegrin media".

57. In 2013 two seminars for the staff of educational institutions were organized, with the topics: "*The culture of Human Rights*" and "*The pass to democracy" — support to teachers in preparing the students for active citizenship*.

58. The Department for Gender Equality, through TAIEX programme of the European Commission in 2013 and 2014 organized the workshops on the gender equality policies for media representatives.

59. The NGOs "Centre for Civic Education" and "Civic alliance", through project "*Speed up human rights*", in January 2015 organized the training of gender equality in the media and the use of gender sensitive language for journalists.

60. Within the NAP for Gender Equality and the programme of military cooperation conducted by the Ministry of Defence, and the Military of Montenegro as a part of Euro Atlantic integrations, a special partnership goal has been defined-gender perspectives. The Ministry of Defence and the Military of Montenegro continuously realize the measure on education of the Military on gender equality and the Resolution 1325.

61. The Committee for Gender Equality of the Parliament of Montenegro, the Ministry for Human and Minority Rights, the Ministry of Defence, the Military, and the NATO Coordination Team continuously organize conferences with the topic of the position of women in armed forces and implementation of Resolution 1325. The publication "Position of Women in Armed Forces of the Western Balkans" was prepared with the financial support of UNDP and SEESAC, and it was presented at the session of the Committee for Gender Equality in 2014.

Recommendation in paragraph 17(c)

62. In 2012 the Media Council for self-regulation was established as an independent self-regulatory body which monitors the work of printed, electronic and online media.

63. "Gender sensitization of Montenegrin media — A step forward" project was implemented with the support of the OSCE Mission to Montenegro and the Department for Gender Equality, in the period July-December 2013, and its aim was to advance media policies and practice related to implementation of gender equality policies and exercise of women human rights.

64. Legal and strategic documents have been adopted which oblige the media to respect women human rights and promote gender equality policies. The Law amending the Law on Gender Equality in 2015 introduces two provisions for which sanctions are prescribed, and they refer to the use of gender sensitive language and necessary trainings on gender equality for all the employees, including the media.

65. In June 2011 the representatives of 5 NGO and the representatives of the Ministry of Culture signed the Memorandum of Cooperation. The Memorandum was later signed by the Committee for Gender Equality of the Parliament of Montenegro. The Memorandum anticipates that the signatories will actively work towards advancing the principles of self-regulation in accordance with the European standards and affirmation of gender-sensitive media language and informing.

66. Gender sensitization of Montenegrin media has been recognized in the NAP for Gender Equality (Chapter 6. Media and Culture), in terms of defining their role in implementing gender sensitive policies, as well as the necessity of undertaking measures aimed at ensuring more proactive role of the media in implementation of the standards of gender-correct media reporting.

Violence against women

Recommendation in paragraph 19(a)

67. Since adopting the Law on Protection from Violence in Family, the number of reported cases of violence in family and violence against women has been increasing, which indicates that the Law is implemented in practice, with raised awareness of the importance of reporting. The data from the Misdemeanour Panel and the Supreme Court for 2014 show the increase in the number of processed and solved cases.

68. The Police Directorate gathers the data on cases of violence in family based on the data of security departments. The data are gathered on: the number of criminal acts, victim and perpetrator of a criminal act, marital status, or the relation between the victim and the perpetrator, professional profile, social status, whether the perpetrators are recidivists, drug users, alcoholics, what the pronounced protective measures are etc. By the end of 2015 the Strategy on Protection from Violence in Family should be adopted.

69. Relevant statistical data is provided in the Annex I.

Recommendation in paragraph 19(b)

70. Pursuant to the Law on Protection from Violence in Family, the Ministry of Interior brought the Rulebook on closer content and appearance of forms for restraining orders or prohibition of coming back to apartments or other housing space, in 2012, which describes the closer content and appearance of forms for restraining order or prohibition of coming back to apartments or other housing space to a perpetrator of violence, with the set boundaries of the area where the perpetrator is not allowed to move, stay or approach the victim as a precondition of the victim's protection, as well as the obligation of a perpetrator to submit to the police officers the keys of the apartment or other place of residence with the aim to ensure victim's safety.

71. The Ministry also brought the Rulebook on the way of execution of protective measures of eviction from apartment, restraining order and prohibition of harassment and stalking on victims in 2014. The Rulebook sets the measures, actions and authorities to be applied by the police officers in conducting the restraining orders, protective measure of prohibition of harassment or of the person exposed to violence, as well as protective measures of eviction from apartment or other joint housing space. Based on the performed risk assessment of the victim it is stipulated to bring about a plan of execution of protective measures, as well as the obligation to file a report on the execution of protective measures by a police officer who is in charge of conducting protective measures.

72. The Rulebook on conducting a protective measure of compulsory psychosocial treatment of a perpetrator was also brought in 2013.

73. When it comes to protective measures with criminal acts, the Amendments of the Criminal Code from 2013 introduced two new security measures: restraining order and eviction from apartment or other housing space. These measures eliminate the possibility of repeated criminal acts of particular kind by prohibiting the perpetrator to come close to the victim of a crime, or particular place. It is explicitly stipulated that measures can be proposed towards a perpetrator who, among others, commit a criminal act of violence in family or family community. By introducing these measures, provisions of the Criminal Code have been aligned with the Istanbul Convention.

74. In the case of criminal act *entering into illegal marriage* a more serious form is envisaged if another person is forced or threatened to enter into marriage. As for the criminal act *extramarital community with a minor* the graver form is supplemented by a qualifying circumstance when the act was done with the use of force or threat.

75. In the general section of the Criminal Code the compulsory aggravating circumstance is introduced for criminal acts committed out of hatred. Coming from the provisions of the CEDAW, the aim of the new provision is to ensure stricter sentencing, and by that improving criminal-law protection of particular especially vulnerable social groups whose members are victims of various criminal acts committed out of hatred for belonging to that group.

76. The article stipulating that prosecution for criminal acts of rape or sexual intercourse with a helpless person shall be taken by a private action, if that act is done to a spouse, has been erased. Taking into account the recommendations of international and non-governmental organizations, the reason for this change is the fact that that provision put into unequal position a spouse who is a victim of these criminal acts in relation to the other victims.

Recommendation in paragraph 19(c)

77. In September 2015 a unique national SOS hotline for providing help to victims of violence in family was established, through the partnership of the Ministry of Labour and Social Welfare, the office of UNDP, the Delegation of the EU in Montenegro and the NGO SOS Niksic, which implements this project. For the time being this is the pilot project which lasts for 7 months, and for the continuation funds will be ensured from the state budget.

78. NGO SOS Nikšić provided the table with the overview of the funding they received from the state from 2011:

	Year	*Finance provider*	*Project name*	*Amount EUR*
1.	2011	Government of Montenegro (GoM)	General support to the service	4 000
2.	2012	GoM	General support to the service	1 000
3.	2013	GoM	Violence victims protection programme through engagement of confidants in Niksic and Podgorica	5 500
4.	2013	Municipality of Nikšić	Local intervention for support services for women and children victims of violence	700
5.	2013	GoM	Providing conditions for integrated security and care for victims of violence in Nikšić	5 700
6.	2014	Municipality of Nikšić	Local intervention for support services for women and children victims of violence	950
7.	2014	GoM	SOS social service (SOS for women victims of violence)	2 500
8.	2015	GoM	General support to the service	600

79. In 2012 the municipality of Nikšić provided the NGO "SOS Nikšić" with the land lot for use of the of the surface of 738m^2 for the building of the shelter for women and children victims of violence, and exempted the NGO from paying the fees for communal furnishing of the construction land. The Ministry for Human and Minority Rights provided the funds for heating of the shelter in 2014.

Recommendation in paragraph 19(d)

80. The activities on establishing a unique data base on the victims of violence in family are in the preparatory phase, as a part of the project "Social card — Information system of social care", through networking of data bases of the Police Directorate, courts and the prosecution. It is expected that the data base will be operational by the end of 2015.

81. During 2014 the realization of the 1st phase of the Social Card project was finalized. The project was finalized in the planned timeframe, by 31 December 2014, so that the system started to work as of 1 January 2015. The Information system encompassed all the business processes in the centres for social work. Besides social protection benefits through the information system, case management for social services is conducted, as well as business intelligence (reporting and statistics), monitoring and control, and management of work flows. In such a way all the social protection allowances and services from the field of child protection will be entered into the information system, which will allow for quality reporting and generating statistics needed for further analyses.

Recommendation in paragraph 19(e)

82. Trainings are organized in cooperation with the ministries in charge. For judges trainings are mandatory. The obligation originates from the Law on Judicial Council and Judges from 2015, which stipulates that judges have the right and duty to professionally develop. The Law also stipulates that a case of a judge not attending mandatory trainings is considered a minor disciplinary offence. These trainings provide information on the Law on Protection from Violence in Family, as well as other relevant regulations and international instruments for protection of human rights.

83. The Ministry for Human and Minority Rights, through TAIEX programme organizes trainings for different target groups.

84. The Law on Gender Equality from July 2015 anticipates mandatory trainings in gender equality, as well as corresponding sanctions for the legal persons that fail to perform that duty.

Trafficking and exploitation of prostitution

Recommendation in paragraph 21(a)

85. For the criminal act trafficking in human beings prison sentences are pronounced. For criminalization of trafficking in human beings and its processing the main regulations are the Criminal Code and the Criminal Procedure Code.

86. The Criminal Code of Montenegro defines the basic forms of this criminal act-labour exploitation, forced labour, submission to servitude, slavery or slavery-like position for commission of criminal acts, prostitution or other form of sexual exploitation, begging, use for pornographic purposes, entering into unlawful marriage, taking away a body part for transplantation or for use in armed conflicts. A separate article defines the criminal act of trafficking in children for adoption.

87. For the basic form of the criminal act trafficking in human beings imprisonment from one to ten years is stipulated. If the criminal act is committed to a minor the stipulated imprisonment is minimum term of three years, with the maximum possible sentence imprisonment up to 20 years. If the criminal act results in death of a person, or the act was committed in an organized way, the prescribed minimum sentence is 10 years imprisonment, with the maximum possible sentence being imprisonment up to 20 years.

88. In accordance with the recommendations of the expert body of the Council of Europe-GRETA, novelties have been introduced into the Law amending the Criminal Code, which entered into force in August 2013. The changes are, among others, the following:

- Definition of a victim has been introduced.
- The description of the criminal act trafficking in human beings (Article 444) has been broadened and as a basic form from the paragraph 1 it introduces slavery or any practice similar to slavery and trafficking for entering into unlawful marriage, as well as the harder form from the Paragraph 3 if the criminal act is committed by an official or to a minor. In addition to this, a

provision removing the possible dilemma on whether the consent of a victim excludes this criminal act (paragraph 10) has been introduced.

- In addition to this, criminal act of trafficking in children for adoption has been extended also to juveniles from 14 to 18 years of age.
- Two new criminal acts have been incriminated "Trafficking in human body parts" and "Advertising in trafficking in human body parts".

89. The training and education of the staff or institutions in charge is continuous.

90. Judicial Training Centre, as an organizational unit of the Supreme Court continuously conducts activities of training of judges and prosecutors on the topic of trafficking in human beings. In 2012 the Centre organized 10 trainings/seminars/conferences with the participation of 94 representatives of judiciary. During first half of 2013, the Centre organized two trainings for 60 participants.

91. The Police Academy in 2015, apart from the curriculum from the regular educational programme, prepared the Plan for additional activities on this topic. From this programme, the following trainings were held:

- "Hearing of the under-aged victims of trafficking in human beings", for representatives of courts, prosecution and the police.
- "Trafficking in human beings" — for police officers.

92. In 2013 the Office for fighting trafficking in human beings organized:

- In cooperation with the Police directorate and the UNODC the seminar "Criminal-law response to the trafficking in human beings in Montenegro" for representatives of police structures, prosecution and judiciary.
- In cooperation with the US Embassy to Montenegro and Judicial Training Centre regional seminar "Criminal act trafficking in human beings-conducting investigations-experiences of the countries of Southeast Europe".
- In cooperation with the TADOC office, the OSCE Mission and the Police academy the training on Research on the cases of people smuggling and trafficking in human beings for officers of border police, officers for fighting organized crime, customs officers, representatives of the prosecution and the Office for Fighting Trafficking in Human Beings.
- In cooperation with the Ministry of Interior of Slovenia the training on "Using joint investigation teams (JIT) for fighting trafficking in human beings on the Western Balkans at the local level", for the officers of the police and the prosecution.

Recommendation in paragraph 21(b)

93. The Ministry for Human and Minority Rights in 2012 printed the publication "Arranged marriage" — confessions of Roma and Egyptian women from Montenegro. The film "Nightmare" which was filmed within the project of the NGO Montenegrin Women's Lobby "Stop trafficking in Human Beings", and it was partially financed from the budget funds. A number of seminars were held with representatives of NGOs dealing with the issues of women from RE population,

with the aim of strengthening the network of women Roma NGOs in fighting arranged marriages in RE population.

94. The Office for fighting Trafficking in Human Beings continuously monitors the activities envisaged in the Strategy for permanent resolving of the issues of displaces persons in Montenegro with the special emphasis on the Konik. In 2012 in the refugee settlement, Red Cross organized a number of lectures with the topic of trafficking in human beings/children.

95. In July 2013, in cooperation with the OSCE Mission, the Office organized the workshop on which the list of indicators for early recognition of victims of trafficking in human beings was developed, which was printed in the form of a card and distributed to the representatives of all the law enforcement agencies in whose authority is fighting trafficking in human beings, and providing help and protection to victims of this criminal act, representatives of civil sector and international organizations.

96. In 2013, in cooperation with the American NGO "Fair girls" and the NGO "Montenegrin Women's lobby" the Office organized three seminars on the topic "Strengthening the capacities of the law enforcement agencies for identifying victims of trafficking in people/children of RE population" which was attended by representatives of the: Office, Centres for social work, health centres, Emergency Medical Services, Police Directorate, local self-governments.

97. In 2014, with the support of the Human Resources Management Authority of Montenegro, the Office organized 3 seminars on the topic "Strengthening the skills of early identification of potential cases of trafficking in human beings in Montenegro" for the police officers, social workers, inspection officers, staff of the Shelter for foreigners and Asylum centre.

98. A round table called "Together in prevention and protection" was organized for the representatives of the institutions, ministries, international and national NGOs on possibilities of finding the best solutions for the issues of begging, early and arranged marriages of Roma and Egyptian girls and youth in general.

99. Within the structures of the Security Centre Podgorica, by the end of 2014, the Support Team for RE population was formed, which is, besides the representatives of the Police Directorate, comprised of representatives of the relevant institution and NGO. The activities of the Team are focused on combating early and forced marriages and begging among representatives of RE population. The activity plan for the Security Centre Podgorica within this team was brought for the period April-December 2015.

100. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union — Frontex, developed the Training on trafficking in human beings for the Border Police which is specifically focused on prevention and recognition of trafficking in human beings by the members of the Border Police. The Office for Fight against Trafficking in Human Beings, with the Ministry of Interior-Sector for Border Police and the Mission of OSCE to Montenegro prepared a two-year plan of implementation of trainings for border police officers in accordance with this training programme. During 2014 the first round of trainings was conducted, through two phases, for 260 officers. In the first half of 2015 a number of trainings were conducted, which were attended by 126 border police officers.

101. The Office, with the support of the UNICEF office in Montenegro and in cooperation with the Institute for Social and Child Protection organized the training on the topic "Trafficking in children, child begging and early and forced marriages" for representatives of the institutions in charge.

102. This Office intensified cooperation with the Human Resources Management Authority of Montenegro, and in 2015 they held trainings for local councillors and servants from local self-governments for 70 participants.

Recommendation in paragraph 21(c)

103. According to the positive legislation, victims of criminal offences can exercise their right to compensation for damage in two ways: 1) from a defendant by submitting a proposal for legal property request realization in the criminal procedure or 2) submitting a complaint in a civil procedure.

104. In 2009 Montenegro ratified the European Convention on Compensating Victims of Criminal Acts of Violence, whereby it became a member state of the Convention and took over the obligation to bring a special law which will arrange the right to financial compensation to victims of criminal acts of violence committed with premeditation.

105. The Parliament of Montenegro brought the Crime victim Compensation Act in June 2015, which stipulates that the right to compensation of damage belongs to a victim of a criminal act committed with premeditation with the use of force and which has as its immediate consequences death, serious body injury, or serious harm to physical and psychological health. If the commission of criminal acre resulted in death of a victim, the right to compensation belongs to persons maintained by the victim.

106. The content of the law has been agreed on with the European Commission, which gave its positive review, while the Council of Europe in its opinion evaluated the content as high quality and commended the efforts of Montenegro to protect victims of criminal acts. The application of this law will start on the day Montenegro joins the European Union.

Recommendation in paragraph 21(d)

107. The Government of Montenegro from the budget of the Office for Fighting Trafficking in Human Beings provides necessary funds for the Shelter of victims of trafficking in human beings. This includes expenses for basic living needs of the victims, as well as for providing medical, legal, psychological, and other types of help. Direct help to victims and potential victims of trafficking in human beings in the Shelter is provided by 5 women activists of the NGO "Montenegrin Women's lobby". The Office budget also covers the running costs of the premises of the Shelter. From the budget funds the Office also finances SOS line for victims of the trafficking in human beings which is available 24 hours 7 days a week. The Office annually provides for these costs circa 40,000 EUR.

108. The revised Agreement on Cooperation of state institutions and civil sector in fighting trafficking in human beings was signed by the: Supreme State Prosecutor's office, Ministry of Health, Ministry of Labour and Social Welfare, Ministry of Interior/Police Directorate, Ministry of Education, Supreme Court, Office for fighting Trafficking in Human Beings, Red Cross of Montenegro, Centre for support

to children and families and 6 NGOs: Montenegrin Women's lobby, Women's shelter, SOS telephone Nikšić, SOS telephone Podgorica, Institute for Social Inclusion and House of Hope. The Agreement specifies the legally defined duties of these institutions and organizations through clearly defined operational procedures which will be applied by the signatories in solving the concrete cases of human trafficking, with the special emphasis on proceeding on treatment of women and children victims of trafficking.

109. A representative of NGO "Montenegrin Women's Lobby" is in the working group for monitoring the implementation of the National Strategy for fighting trafficking in human beings.

110. After revising the Agreement of Cooperation in fighting trafficking in human beings which contains national referral mechanisms for action in the cases of trafficking in human beings, in September 2014 the Coordination Team for monitoring the implementation of the Agreement was formed. This is also the operational team for initiating concrete activities (in accordance with the Agreement) related to identification, offering support and protection of the victims of trafficking. The team includes the representatives of all the institutions in charge and signatories to the Agreement. The team meets at least twice a year, but also in ad hoc situations when they identify potential victims of violence on the territory of Montenegro. A potential victim of trafficking in human beings can be identified by all the signatories of the Agreement, about which they will immediately notify the contact person in the Police Directorate. The list of contact persons who are bound to be available 24 hours to this team in case when it is necessary to provide help and support to a victim of trafficking in human beings has been made and distributed.

111. The Protocol on cooperation between the Office and the Employers' Union of Montenegro has been signed, with the aim to enable attending of various specialized courses for quick professional skills building of victims and ensuring possibilities for their priority employment.

Recommendation in paragraph 21(e)

112. The Parliament of Montenegro adopted the new Law on Foreigners in 2014. Before adoption, the law was the subject of consultations with the representatives of the European Commission, which submitted positive opinion on its content. The Law was aligned with the Directive of the European Parliament and Council 2011/98/EU on single procedure on issuing single residence and working permit to citizens of the third countries. The Law among others stipulates that the temporary residence permit from humanitarian reasons can be issued to a:

1) Foreigner who is assumed to be a victim of a criminal act of trafficking in human beings or criminal act of violence in family or family community;

2) Juvenile foreigner who is abandoned or victim of organized crime, or is from other reasons left without parental care or escort;

3) Foreigner from especially justified reasons of humanitarian nature.

113. The temporary residence permit from humanitarian reasons is issued on the basis of adequate proof of international organization, NGO or a state institution which offer help and support to a foreigner, or the evidence of relevant state body confirming that a foreigner cooperates in solving of criminal acts.

114. A foreigner who has been issued a temporary residence permit from humanitarian reasons has the right to accommodation, health protection, education, work and financial assistance, in accordance with the Law.

115. The Law stipulates that a foreigner for whom the police establish to be a victim of the criminal act trafficking in human beings had the right to decide within 90 days whether he/she will cooperate in the criminal proceeding, that is whether he/she will join criminal prosecution or be a witness in that proceeding (reflection period).

116. The Police establishes whether a foreigner is a victim of criminal act trafficking in human beings, in cooperation with state bodies, NGOs, and other organizations in charge, that is those who work on prevention, education, reporting and criminal prosecution of perpetrators and protection of (potential) human trafficking victims, and when it is the case of a juvenile foreigner, the Police will cooperate with Centre for Social Work.

117. The Law prescribes that in case of a foreigner for whom there is justified fear that by making a testimony in a criminal procedure his/her life, health, physical integrity or freedom might be endangered, he/she is provided with protection and exercise of rights pursuant to the law which regulates witness protection area.

118. A juvenile foreigner who is determined to be the victim of a criminal act trafficking in human beings will not be returned to any country, if danger and safety assessment determines that there are circumstances indicating that such a return would not be in his/her best interest.

119. The Law on foreigners stipulates that request for extension of the temporary residence permit is submitted personally by a foreigner to the Ministry in the place of residence, 30 days before expiry date of the current temporary residence permit at the latest. The request is to be submitted together with the valid foreign passport or ID card issued by the competent authority of another state, and the proof that justifies the request for issuing temporary residence permit. It is also prescribed that without the temporary residence and work permit or proof of reported work, a foreigner can work in Montenegro if he/she has a temporary residence permit from humanitarian reasons. In this case, a foreigner has a free access to labour market of Montenegro, unless differently specified by another regulation.

120. The Ministry of Interior runs the statistics on approved temporary residences and permanent settlements, which is updated daily. In the reporting period there were no submitted temporary residence permit requests for victims of trafficking in human beings.

Recommendation in paragraph 21(f)

121. Two Protocols on Cooperation in fighting trafficking in human beings were signed with Kosovo and Albania, with the aim of improving identification, information sharing, referrals, cooperation in criminal proceedings and voluntary return of victims and potential victims of trafficking in human beings.

122. The Police Directorate continuously conducts raids of night clubs, night bars and other objects, as well as actions of intensified control of legality of residence of foreign citizens, all with the aim of prevention or possible revealing of potential victims of trafficking in human beings.

123. The Office for Fighting Trafficking in Human Beings within the project "Enhancing the fight against sexual exploitation in tourism", in 2013, with support of TAIEX organized a regional workshop where the special attention was paid to the Code of Conduct for protection of children from sexual exploitation in travel and tourism.

124. Within the campaign of the Council of Europe against violence against children "One out of five" a number of meetings were organized which treated the issue of special vulnerability of children in relation to various forms of exploitation, and by itself in relation to trafficking in children for the purpose of work exploitation, forced begging, commissioning of criminal acts, entering into forced marriages, selling of body organs, sexual exploitation through child prostitution and sex tourism, child pornography and abuse of children in armed conflicts. During the work on changes of the Criminal Code, the alignment of criminal acts with the CoE Convention on Protection of Children from Sexual Exploitation and Sexual Abuse was reviewed. As a result, it was suggested to introduce a new criminal act — luring of a child in order to make a criminal act against sexual freedom, and to change criminal act — displaying pornographic material to children and production and possession of child pornography.

125. In 2014 the Office initiated a number of activities targeted primarily at raising awareness of the public about trafficking in human beings. During summer tourist season, and especially during July when the world day of fighting trafficking in human beings is marked and in August the cooperation was intensified with all the media. The media contributed to the activities by free broadcasting of the promotional video for SOS hotline for victims of trafficking in human beings. The hotline is free and anonymous, and active 24 hour a day.

126. Montenegro hosted a thematic meeting with police officers of regional countries, who are engaged as support on Montenegrin seaside during summer tourist season. This was jointly organized by the Office and the Police Directorate.

127. On the Albanian border crossing a meeting of national coordinators of Montenegro and Albania and police officers of both countries was held, with the aim to discuss the topics of trafficking of human beings, children beggars and children without escort.

128. On the occasion of 18 October — European day of trafficking in human beings, the Office in cooperation with NGO Montenegrin Women's Lobby and with the support of the OSCE Mission to Montenegro organized 4 workshops for the students.

129. The Office prepared the flyers as propaganda material which contains useful information aimed at younger population on the risks and dangers of trafficking in human beings, ways of prevention and services which are engaged in fighting this type of crime. The flyers were distributed in cooperation with the Ministry of Education. On all the border crossings in Montenegro posters with the number of SOS telephone for victims of trafficking in human beings were placed.

130. Within the campaign "Children write to the Ombudsman!" and "Contact the Protector" representatives of the Institution of Protector intensified direct work with children and youth with the aim of providing them with the comprehensive information about the rights that belong to them and the mechanisms for protection of guaranteed rights. Among others, the representatives of the Protector in

cooperation with the Office organized joint public discussions with the representatives of local self-governments with the aim of promotion of SOS line and education of the trafficking phenomenon.

131. When it comes to activities regarding mechanisms for protection of children from abuse via internet, the cooperation was established with private, civic and NGO sector, so that children can familiarize themselves with safe ways of using internet. A special electronic line was opened within CIRT (computer incidence response team) for reporting illegal content which, in any way, via internet endangers child rights.

132. At the beginning of school year 2014/2015 in the curriculum of the subject "Civic education" in the VII grade as an elective topic "Trafficking in human beings" was introduced, whereby the issue of education of children on this topic was initiated in a systematic way. The Handbook for teachers on the methods of transmitting the knowledge about trafficking in human beings and children in primary and secondary schools was developed. This was preceded by a comprehensive teacher training conducted by the Office.

133. Statistical data on trafficking in human beings is provided in the Annex 2.

Participation in political and public life

Recommendation in paragraph 23(a)

134. The Amendments to the Law on Election of Counsellors and MPs from 2011, for the first time in Montenegro introduces the quota system on electoral candidate lists — whose aim is to enhance women participation in the bodies of representative government. The Law stipulates that an electoral list needs to have at least 30 per cent of candidates of a less represented sex, in order for it to be approved by the State Electoral Commission. Apart from this, there were no other guarantees, such as order on the list, by which higher percentage of women in the national and local parliaments would be ensured. Political parties applied this provision in the way that they placed candidates of a less represented sex (women) on last positions of the lists, which resulted in the fact that in the composition of the Parliament of Montenegro, after parliamentary elections in 2012, there were only 14 women MPs, which is around 17 per cent of the total number of MPs.

135. Through the Gender Programme IPA 2010, which was implemented in partnership of the Department for Gender Equality of the Ministry of Human and Minority Rights and UNDP, with the financial support of the EU, intensive advocacy was undertaken in order to improve affirmative action in the Law on Elections of Counsellors and MPs. The advocacy programme included the management, MPs and women groups of parliamentary political parties through a set of meetings about which the public was also informed. The media also supported these activities with TV shows dedicated to the topic, with the aim of raising awareness and creating more positive climate in the society and support for including more women in politics. The campaign resulted in the introduction of the measure which to an extent advances the quota for higher representation of women- the measure that women must be positioned as at least every fourth on the list. Namely, The Law on amendments to the Law on Election of Counsellors and MPs from March 2014 stipulates that among every four candidates on an electoral list

following the list order (first four positions, second four positions etc.), there must be at least one candidate of a less represented sex.

136. It is important to emphasize that in the latest changes of the law from 2014, and additional guarantee for greater participation of women was introduced. The newly adopted measure stipulates that *If the mandate of a counsellor or an MP from the less represented sex expires, that counsellor or an MP will be replaced by the next first candidate from the electoral list from the less represented sex*.

137. For assessing the efficiency of applying the new solutions, it is necessary to wait for the new parliamentary elections in 2016. These solutions have, however, already had a positive impact on municipal elections in 2014, which lead to an increased participation of women counsellors, which was at the level of 26.52 per cent out of total number of counsellors. In the capital city Podgorica the participation of women in the city parliament rose from 17.54 to 32.2 per cent.

138. The table with the data is provided in the Annex 3.

Recommendation in paragraph 23(b)

139. The Law Amending the Law on Gender Equality which was adopted in the Parliament in June 2015 introduces the suggestions of the European Commission that promoting the principles of gender equality should be the part of the activities of legislative and executive power. A closer link has been established between the Gender Equality Law and the duties of political parties, with the Law on Political Parties and the Law on Election of Counsellors and MPs as separate laws, stipulating that political parties should in its acts predict solutions which will ensure equal access and higher participation of women in governing and decision-making structures.

Recommendation in paragraph 23(c)

140. In August 2015 the Government of Montenegro adopted the Information on the participation of women in legislative, executive and judiciary power, with the recommendations for improving the situation in this area. Some of them are: Improve the statistics about political participation of women, conduct research on the level of women's interest for political activism every five years, establish cooperation with the media aimed at promoting women's political activism, encourage political parties to establish quota within the system and provide logistical support etc. The data shows that in public administration women are employed to a greater extent. The data are provided in the Annex 4.

Recommendation in paragraph 23(d)

141. According to the Ministry of Education, in preschool institutions there are 3 men and 15 women directors, in primary schools there are 117 men directors and 44 women, in secondary schools there are 40 men and 8 women directors, in educational centres there are 1 man and 1 woman directors, in primary and secondary music schools there are 3 men and 7 women directors, and in 3 resources centres all 3 directors are men.

Recommendation in paragraph 23(e)

142. Apart from the measures introduced in the legal system to ensure legal equality of men and women, measures of preferential treatment for women in politics are set up, such as quota system and other intraparty measures. The statutes of political parties in Montenegro mainly prescribe basic principles of promoting gender equality. Besides general principles, the statutes of most of the political parties in Montenegro contain provisions that introduce intraparty quotas for percentages in the process of proposing candidates and selecting members of party bodies, whereby the participation of women in decision-making party bodies is ensured. However, even besides legal guarantees contained in the highest legal acts of the political parties, it is not a rare case that de facto situation, i.e. real participation of women in management bodies is not on a required level, meaning that representation of women in highest party structures does not comply with the standards envisaged in the legal acts. Therefore, statutes of Montenegrin political parties should, besides mandatory setting standards on quota for women in management bodies, also contain mechanisms and procedures to be followed in order for the statutory provisions to be aligned with the real situation and to ensure higher participation of women in intraparty decision-making processes.

Recommendation in paragraph 23(f)

143. When it comes to women forums, all the parties have formed women associations which act as separate organizational units within political parties. One of the recommendations within the Information on the participation of women in legislative, executive and judicial power is the need to strengthen intraparty women associations.

144. The Government of Montenegro adopted the Strategy for improving the Position of Roma and Egyptians in Montenegro 2012 -2016, and its Action Plan contains the section on "Participation in political and public life" with concretely set goals and activities.

145. The Ministry for Human and Minority Rights, in cooperation with OSCE Mission to Montenegro, for a number of consecutive years has been supporting the programmes for improving gender equality on the local level, and political participation of women is one of the topics. In June 2014 the seminar in Old Royal Capital of Cetinje was held for the staff of municipal institutions and NGO sector, about political participation of woman. Two trainings were also held in Pljevlja, aimed at members of political parties and counsellors, as well as activities at the local level for increasing political participation of women.

146. Within Gender Programme IPA 2010, in November 2014, 18 certificates were handed out to the women representatives of parliamentary political parties which went through the Training of Trainers programme. The aim of the programme was to additionally strengthen their capacities for political activism, and for work with women from their parties on further implementation and promotion of gender sensitivity in the area of participation of women in intraparty decision making, and in public and political life in general.

147. As of January 2015 a Roma woman has been included in the work of the Committee for Gender Equality of the Parliament of Montenegro, as a representative of Roma NGO.

148. Women RE network "First" in cooperation with the NGO Centre for Roma Initiatives, and the support of the Ministry for Human and Minority Rights conducts the campaign "My and our struggle continues", with the aim of raising awareness of the institutions on the importance of including Roma and Egyptian women through public advocacy.

149. Out of 13 municipalities in Montenegro in which RE population resides, 7 adopted Operational plans for realization of Action Plans for integration of RE population, which were prepared in cooperation with the NGO sector, and it is expected that the plans will be adopted in the remaining 6 municipalities.

150. Women RE network "First" and the Ministry for Human and Minority Rights in December 2014 organized a round table on the importance of including RE women in decision-making bodies (Boards, Councils).

151. In June 2015 the Ministry for Human and Minority Rights, organized the training for young women representatives of national minorities, with the focus on Roma and Egyptians, aimed at strengthening their capacities for political activism.

Education

Recommendation in paragraph 25

152. In Montenegro equal access to education for both women and men at all levels is guaranteed. During recent years the percentage of women which have higher education has increased.

153. The NAP for Gender Equality envisages for the year 2016 to conduct the campaign for encouraging men and women to educate for the professions in which they have not been traditionally represented, and for which there is the need at the labour market.

154. The Ministry for Human and Minority Rights and UNDP within Gender Programme IPA 2010 conducted the study on women entrepreneurship in Montenegro.

155. The Strategy for Development of Women Entrepreneurship in Montenegro 2015-202 has been adopted, with the aim to intensify faster and easier economic empowerment of women, and to support their entrepreneurship potential.

156. The Chamber of Commerce of Montenegro realizes activities aimed at enhancing economic situation of women, and through projects tries to encourage their entrepreneurial spirit. One of the projects is a National network of mentors for women entrepreneurs in Montenegro, where in the period of 12 moths mentors provided advice to a number of women entrepreneurs. Within the Chamber there is the Board for Women Entrepreneurship which organizes trainings and workshops for the affirmation of women entrepreneurship.

Recommendation in paragraph 27(a)

157. When it comes to the education of RE population, the focus was on early integration, preparatory kindergartens, disaggregated education, implementation of mechanisms for prevention of drop-out, mentorship programmes for secondary

school students, affirmative action measures for enrolling secondary schools and faculties, extraordinary passing of the exams etc.

158. In the area of preschool education, preparatory kindergartens for the children of RE population have been organized for 4 years already, and they cover 8 public pre-school institutions. Activities include contact with families, RE community, local self-government, municipal organizations of Red Cross, centres for social work, schools which children will enrol. Bureau for Education conducts training and support the engagement of RE mediators.

159. Desegregated education of RE children from Konik 1 and 2 camps is organized in 6 primary schools in Podgorica. Children at risk of drop out are regularly monitored, and the measures are proposed for overcoming the problem, including visits to the families and establishing direct contact with them (teachers, professional associates of city schools). Six RE mediators takes care that children regularly attend classes, cooperate with teachers and school professional services in order to improve their performance. The Bureau for Textbooks edited the textbooks for Montenegrin language as non-native for the 1st, 2nd, 4th, and 6th and 7th grade of primary school, which represents significant support. For the 3rd, 5th, 8th and 9th grade the preparation of textbooks is under way. Sets of textbooks have been distributed for free in schools where desegregated education takes place. The number of RE children in primary schools has been steadily increasing — the figure of 1,883 students in 2014/2015 represents a triple increase in relation to 2001/2002 school year, when the number was 536.

160. At the secondary and tertiary education levels, the programme "Scholarships and mentorship support for RE students of secondary schools and faculties in Montenegro" is implemented. The mentorship team has a task to monitor the performance of students, conduct tutorship classes and communicate with parents.

161. Students of RE population enrol secondary schools where lecturing is organized in Montenegrin and other languages in official use in most of the cases as per the principles of affirmative action. For enrolled RE students of secondary schools the Ministry of Education, in cooperation with the Ministry for Labour and Social Welfare provides free textbooks, and scholarships are provided by the Ministry for Human and Minority Rights. Considering the activities of different actors, recent years have evidenced a significant increase in the number of RE population that continue with their education as the tertiary level. Currently, there are 17 RE students attending Montenegrin faculties.

Table — overview of the number of RE pre-primary, primary, secondary and tertiary students per school year:

School 2012/13

RE children in pre-primary education	*RE primary students*	*RE secondary school students*	*RE tertiary students*
13.81 per cent	1 583	75	9

School 2013/14

RE children in pre-primary education	*RE primary students*	*RE secondary school students*	*RE tertiary students*
Half-day programme 80	M. 855 F. 725	M. 46 F. 45	M. 9 F. 6
Total 224	Total 1 582	Total 91	Total 15

School 2014/15

RE children in pre-primary education	*RE primary students*	*RE secondary school students*	*RE tertiary students*
M. 76 F.57	M. 816 F. 722	M. 42 F. 38	M. 9 F. 8
Total 133	Total 1 538	Total 80	Total 17

Recommendation in paragraph 27(b)

162. The Ministry for Human and Minority Rights provides the funds for free textbooks for the students of I, II and III grade of primary school. The programme is realized in cooperation with the Ministry of Education, and textbooks are distributed through schools. In school year 2014/15 the Ministry earmarked for these purposes 47.500,00 EUR, and for 2015/2016 38.600,00 EUR has been provided.

163. Teachers went through a number of seminars related to human rights interculturality: Index for inclusion (35 teachers), Peace and tolerance — Creative problem solving (32 teachers), Step by step. basic (28 teachers) and advanced (26 teachers), Development of critical thinking (18 teachers); Education for social justice — against stereotypes and prejudices (25 teachers), Active learning (48 teachers), Innovative method in education for integration of Roma (12 teachers), etc. Additional teaching is done regularly. Within the programme of Roma education initiative, the school developed the additional curriculum for the 1st cycle (I, II and III grade) for the subjects Montenegrin language and literature, Nature and society and Music with contents from Roma literature, history, tradition and musical culture. It is estimated that this content should be covered within 20 per cent of the curriculum planned for cooperation with local community.

164. Desegregated education of RE children from Konik camps 1 and 2 takes place in 6 primary schools in Podgorica. The activities present the 1st phase of closing of the branch office of the school "Božidar Vuković Podgoričanin". In school year 2014/15 teaching in the camp is organized only for the III and IV grade, while all the other children are integrated in these 6 schools. Around 200 students are transported to city schools for free every day.

165. In 2014 the Ministry for Human and Minority Rights, Roma Education Fund (REF) and the Bureau for Educational Services signed the Memorandum on cooperation in the area of providing scholarships for RE secondary and tertiary students. The aim of the agreement is to improve the enrolment, the degree of staying and performance in secondary schools for around 80 RE students enrolled in regular and technical schools on 8 locations in Montenegro, as well as to lower the level of drop out among at-risk RE secondary students. The Ministry for Human and Minority Rights in 2014 marked 75,000 EUR for scholarships and 80,000 EUR in 2015.

Recommendation in paragraph 27(c)

166. In school year 2005/06 the project "Violence-free school-safe school environment" was started in cooperation of the Ministry of Education and UNICEF office in Montenegro. It is meant for students, school staff, parents and all of the community, and aims to decrease and prevent violence among school children in Montenegro. The Handbook and Brochure for parents were developed, as well as the Questionnaire for assessing peer violence. For directors of primary schools the project presentation was organized, and professional services staff underwent one day workshop in order to familiarize themselves with the basic work methods within this Programme. Following the adoption of the Law on Protection from Violence in Family and the Strategy for protection from family violence for the period 2012-2015, the Protocol on Action, Prevention and Protection in the Cases of Violence in Family was developed. The Protocol specifies the procedures of competent institutions and duties in undertaking necessary measures from the domain of their responsibilities. The guideline "Division of responsibilities and procedures in the aim of prevention and in cases of actual violence-instructions for schools" was developed on the basis of guidelines for actions recommended in the handbook "Violence-free school — safe school environment", and on the basis of the steps and duties prescribed within the mentioned Protocol. The guidelines offer theoretic basis for recognizing all the forms of violence, abuse and neglect of children. It recommends the steps envisaged through the programme "Violence-free school", measures to be undertaken when violence is recognized, approach in developing individual plan for support, and adequate forms have been developed accordingly.

Recommendation in paragraph 27(d)

167. Through the Programme "Support for integration and voluntary return of RE and other I/DPs living in the Konik camp-" parents' capacities are built (especially mothers'), they are being motivated for sending their children to school, especially girls. In primary school "Božidar Vuković Podgoričanin" the Club stimulating entrepreneurship of RE girls is set up. It organizes workshops attended by 8th grade girls, with the aim to develop the skills needed for entrepreneurship.

Employment

Recommendation in paragraph 29(a)

168. The Law on Labour stipulates that an employee has the right to appropriate wage, determined in accordance with the law, collective agreement and labour contract. Each employed man, or woman, is guaranteed equal wage for equal work or work of the same value which is performed with an employer. The work of the same value implies the work which requires the same educational level, or education or professional qualifications, responsibility, skills, conditions and results of work. In the case of breach of these rights an employee has the right to damage compensation in the amount of unpaid portion of the wage. The employer's decision or agreement with the employee which is not in accordance with the provisions of this law is not valid.

169. The Law stipulates that an employer cannot refuse to conclude a labour contract with a pregnant woman, or cancel the labour contract due to her pregnancy or if she uses the maternity leave. An employer can also not cancel the labour

contract with the parent who works half of the full time due to attending a child with severe development difficulties, a single parent of a child under seven years of age, or a child with severe disability, or with a person using one of the aforementioned rights.

170. An employer cannot cancel the labour contract to an employee during the absence from work due to care for a child or parental leave. An employed woman whose fixed-term contract of employment expires while she is on maternity leave, the term of employment according to the fixed-term contract of employment shall be extended until expiry of the maternity leave.

171. The Law defines parental leave as entitlement of one of the parents to use absence from work for the purpose of providing care and nursing to child. Parental leave may be used for 365 days from the birth of the child. The parent may start work even prior to expiry of the parental leave, but not prior to expiry of 45 days from the birth of the child. If one of tne parents interrupts parental leave, the other parent shall be entitled to use the remaining part of the parental leave. A child's mother may not interrupt parental leave prior to expiry of 45 days from the birth of the child.

172. The Law prescribes that an employed woman may start maternity leave 45 days prior to delivery, and 28 days prior to delivery as mandatory leave. If an employed woman starts work as shall be entitled to use, apart from daily break, in agreement with the employer, another 90 minutes of leave for the purpose of breastfeeding the child. During the leave the parent shall be entitled to wage compensation in the amount of the salary he/she would earn if he/she was at work, in accordance with the law and collective agreement. The employer shall provide the employee with return to the same working position or to an adequate working position with at least the same salary upon expiry of maternity, or parental, leave.

Recommendation in paragraph 29(b)

173. In Montenegro the law sets working hours in a way that the decision on the schedule of working hours, redistribution of working hours, shortened working hours and introducing working hours longer than full time working hours is brought by the authorized body of an employer. Also, the decision of a competent state authority or local self-government authority determines the schedule, start and finishing of working hours in particular types of business and particular jobs. An employer is bound to bring a written decision on the schedule of working hours of the employees, if that employer organizes work on shifts.

174. The Ministry of Education and UNICEF office in Montenegro, conducted the campaign in kindergartens in 2015 whose aim was enrolment of as much children aged 3-6 as possible in kindergartens. As a way of support to working parents, kindergartens have set up working hours in accordance with the working hours of public institutions, state authorities and organizations.

175. With the aim of raising awareness of responsible fatherhood, the Ministry for Human and Minority Rights in 2012 conducted the campaign "Find some time to be a dad" which produced visible results because a large number of fathers participated in the manifestations organized within the campaign.

176. Flexible working arrangements and work from home are also promoted by the Employers' Union of Montenegro.

Recommendation in paragraph 29(c)

177. Data of the Inspection Directorate:

	I quarter	*II quarter*	*III and IV quarter*	*TOTAL*
1. Number of cases of reported discrimination against	0	1	/	1
– men	0	0	/	/
– women	0	1	/	1
2. Number of cases of abuse at work (mobbing)	4	7	1	12
– men	4	3	1	8
– women	0	4	/	4

178. The Judiciary Information System in courts can at any time provide the statistics on all the court cases formed out of criminal acts against labour related rights. The statistics also offers the data on the cases formed out of criminal act Breach of equality in employment.

Recommendation in paragraph 29(d)

179. The Employment Agency of Montenegro conducts active employment policies, through plans, programmes and measures aimed at increasing employment, that is decreasing unemployment. Information and professional counselling centres have been formed, where users can receive information on advertised jobs and possibilities offered by the Employment Agency in relation to employment.

180. Within the programme of professional orientation measures of informing, advice giving, workshop organizing etc. are being realized. The programme for encouraging career development of directly employable persons is aimed at persons who register at the Agency for the first time, and functions as an encouragement of professional development of candidates for employment. In all of these programmes, women are represented in the percentage higher than 60 per cent.

181. Women from RE population are included in the training programme for particular jobs, such as "hairdresser for women". In 2014 the public works programmes were realized, where 681 women were included, or 61.7 per cent.

182. The Agency continuously realizes public work called "Sunny workshop" (creation of souvenirs, cards, decorations and other paper products) with the aim of more efficient and faster employing of persons with disability. Participation of women in this public work is 57.1 per cent.

183. In the period 1 January 2014 — 30 June 201, 36 members of RE populations were engaged on seasonal jobs, out of whom 20 were women (55.55 per cent).

184. Virtual enterprises is a programme aimed at those who wish to receive training for work in companies, as well as unemployed persons who wish to set up their own company. In 2014, 57 persons were trained, out of whom 40 were women (70 per cent).

185. The Law on Professional Rehabilitation and Employment of Persons with Disability determines the measures and incentives for their more efficient and faster employment.

186. The Employment Agency runs the programme for continuous stimulating of employment and entrepreneurship in Montenegro. The annual interest rate is 3 per cent for the projects whose carriers are unemployed women and project that are realized in less developed municipalities. In 2014 unemployed persons were granted with 35 loans, out of which 17 loans were for women (48.6 per cent).

187. Investment-Development Fun of Montenegro in2014 continued with the realization of the programme of financial support to women in business, with one change and this is introduction of 2 credit lines exclusively for women for setting up small and medium sized enterprises, with very favourable conditions and interest rate of 2.5 per cent for women, which is the lowest in Montenegro. IRF defined this programme through signing of the Memorandum of Cooperation with the Ministry for Human and Minority Rights and UNDP.

Health

Recommendation in paragraph 31(a), (b)

188. The right to health protection has been prescribed in the Law on Health Protection and the Law on Health Insurance of Montenegro. In the health system no data is collected based on ethnical, national or any other belonging of health protection users. All the women, including women with disability, RE women and refugee and displaced women have a free and adequate access to gaining health services through an elected GP, or elected gynaecologist at the primary level of health protection, as the basis for ensuring health services at the higher levels of health protection.

189. In all the health centres at the primary level of health protection, counselling centres have been formed, or support centres for all the users of health protection, including women (counselling for HIV/AIDS, reproductive and sexual health and other centres as prevention and protection of women's health). Data shows that, in 2013, within the counselling centre for youth, 167 workshops were held, and the total number of clients was 1940. In counselling centres for reproductive health, at the national level 231 workshops were organized in total, and the number of clients was 1627.

190. Through educational campaigns, the media and enhanced counselling service by public health institutions in Montenegro, full contribution is given to the importance of preventive measures, both for the use of contraceptives in family planning and prevention of sexually transmitted diseases, including HIV/AIDS.

191. The Law on Health Insurance stipulates that socially vulnerable categories, women during pregnancy and in a year after delivery, older than 65 and those suffering from contagious diseases do not participate in treatment costs, meaning that they have free health protection. The Directive on the manner of exercising health protection of foreigners ensures that also refugee RE women receive health protection, like all the other citizens of Montenegro.

192. Next to the refugee camps Konik I and Konik II there is an ambulance, even though members of RE population can exercise health protection on all the locations of health institutions.

193. With the aim of preventing contagious diseases of RE children who do not have their elected paediatrician, and who do not go to school but live in collective settlements, vaccination is organized in those communities. The Institute for Public Health organized a number of campaigns which resulted in high percentage of coverage (for certain diseases up to 98 per cent).

194. Activities were conducted both in terms of monitoring health situation of RE population, but also in terms of education-informative workshops and public calls through the media for examinations and vaccinations. Brochures were printed for women, youth and children.

195. The Law on Health Protection defines also gender identity, with the aim of recognizing anti-discriminatory relation on all the bases in the health system.

196. In 2014 a set of educational sessions and organized visits to a gynaecologist, for teachers of secondary schools and women with disabilities were conducted at the local level.

197. In March and April 2014, NGO Centre for Roma Initiatives and Women RE Network "First" organized12 educational sessions on the topic "*Importance of pregnancy control and family planning*". Four workshops for RE women from Nikšić, Berane and Podgorica were held, and they were attended by 120 representatives of RE population (40 girls). These NGOs during 2015 organized 6 one-day seminars on the importance of combating different forms of violence, and prevention of sexually transmitted diseases, including HIV, for members of RE population.

Recommendation in paragraph 31(c)

198. In the process of revising curriculums in 2013, the topic: Sexual-reproductive system was included for the subject Biology (high school and technical schools). In the objectives, the non-discriminatory attitude towards different sexual orientation is especially emphasized. Apart from that, in the subjects such as Biology, Psychology, Sociology, Civic education or Individual in a group, the curriculum enables the possibility to plan additional goals related to sex education and upbringing.

199. The curriculum for Healthy Life Styles in I or II grade of high school treats sexuality through some of these topics: development in adolescence, mental health, sexual and reproductive health, HIV/AIDS, prevention of violence (including sexual). Acknowledging the recommendations of the Council of Europe, and the concept of "intercurricular approach" the Bureau for Education developed the document *Intercurricular subjects and topics*, where special attention is paid to intercurricular area of health education and upbringing, including the topic of sexual education of youth.

Family benefits

Recommendation in paragraph 33(a), (b)

200. The Law on Social and Child Protection prescribes the protection of discrimination of users based on race, sex, age, nationality, social status, sexual orientation, religion, political, trade union or other appropriation, property owning, culture, language, disability, nature. The Law defines single person, as such: a divorced parent or a parent who finds himself in a situation that the other parent has died or is unknown, and maintains the child, or exercises prolonged parental right, in accordance with the law, until a marriage or common law marriage is established. Bringing the new Law on Social and Child Protection advances the area of material support, and prescribes the possibility of employment of material support users capable of work.

201. Montenegro has 11 centres for social work. The elderly and grown-ups with disability who are not able to live independently in their households, or family, have the right to accommodation in the Home for Elderly "Grabovac" in Risan, the Home for Elderly in Bijelo Polje and public institution "Komanski most" in Podgorica. Children without parental care and children whose development has been hindered due to family circumstances, are provided with the accommodation in Children's Home "Mladost" in Bijela or other family. Children without parental care who attend school are provided with free textbooks. Children with special needs have the right of placement in an institution of social and child protection or accommodation in another family, care and support, personal disability allowance, and the right to child allowance. Additionally, these children have the right to help for education and upbringing if they are done according to the positive regulations from the sphere of education. The right to help includes accommodation and transportation costs. Nine day care centres for children with disabilities have been opened. Opening of day care centres in other municipalities in Montenegro is in the initial planning phase. The public institution Centre for children and youth "Ljubović" in Podgorica runs the service of accommodation of children and youth with behavioural disorders.

202. The Law on Social and Child Protection stipulates that the rights from social and child protection determined in this law and international agreement can be exercised by a person who has the status of a foreigner with temporary residence permit or permanent residence in the state, in accordance with the special law.

203. The amount of material support is harmonized on semi-annual basis (on 1 January and on 1 July of the current year) with the living costs trends and the average salary of employees at the territory of Montenegro.

Disadvantaged groups of women

Recommendation in paragraph 35(a)-(c)

204. The Ministry for Human and Minority rights implements the policies of protection and advancement of rights of RE population, and that policy is implemented also through the activities of the Department of Gender Equality, and the Department for improving and protection of the rights of RE population which operate within this ministry.

205. In cooperation with other competent institutions and the NGO sector, the Ministry implements two very important strategic documents: The NAP for Gender Equality 2013-2017 and the Strategy for improving the position of Roma and Egyptians in Montenegro 2012-2016. Some of the activities are directed towards promotion and education on the policies of advancing the rights of RE population of all the relevant stakeholders.

206. The Ministry, in cooperation with the NGO sector in 2014 and 2015 continuously organized seminars, round tables and public lectures where topics of gender equality were discussed, including international and national legal framework in the area violence against women, forced marriages in RE communities, the importance of education and employment of RE population and their inclusion in decision-making bodies. Participants were RE women and men, representatives of local self-governments, NGO sector, state institutions and international organizations.

207. Within the Regional Housing Programme the building of housing units in Konik started in 2014 through an IPA project. Currently in the first phase 51 is under construction, out of 90 which are planned for RE population.

208. The permanent solution of the legal status of DP from ex Yugoslavian republics and IDP from Kosovo who reside in Montenegro has been enabled through acknowledging the right to permanent settlement or temporary residence, through bringing the Law on Amendments to the Law on Foreigners, which entered into force on 7 November 2009. The deadline for submitting the request for regulating the status, prescribed in this law, lasted for two years, by November 2011. The deadline was extended three more times, and it was extended to 31 December 2014. Solving the status of these persons in the previous period was possible also through naturalization to Montenegrin citizenship, in accordance with the existing legislation, which was used by a number of them.

209. The Government of Montenegro brought the Strategy for Durable Solutions of the issues regarding DP and IDP in Montenegro, with the special emphasis on the Konik area, with the annual action plans. The Strategy contains measures and activities aimed at regulating the status of these persons.

210. In March 2014 an MoC was signed between the Ministry of Interior, the Ministry of Labour and Social Welfare, and UNHCR, with the aim of final solving of the legal status of DP an IDP in Montenegro, with an overview of activities for solving their legal issue. The Operational team was formed, in whose composition are, among the representatives of state administration bodies and representatives of UNHCR.

211. At the beginning of 2015 the Memorandum on Amendments to the MoC was signed, in order to continue with the activities by the end of 2015.

212. In the aim of encouraging DP and IDP to use the legal possibility of regulating their status, informative campaigns have continuously been organized, both through the media and field visits to Montenegrin municipalities, by the representatives of the relevant institutions and UNHCR. The Ministry of Interior of Montenegro, in cooperation with the UNHCR, OSCE and EC advertised the Public Call for DP and IDP persons to submit the requests for obtaining the status of foreigner with permanent settlement or temporary residence in Montenegro, by 31 December 2014

at the latest. A bilingual leaflet with the detailed information on the possibilities for solving the legal status of these persons in Montenegro was distributed.

213. Acknowledging the fact that a number of these persons from objective reasons was not able to obtain all the documents necessary for regulating their status from their country of origin, the Ministry of Interior made it possible for the IDP from Kosovo to submit the request only on the basis of a displaced person ID.

214. Pursuant to the Law on Foreigners, a number of these persons will be able to, as all the other foreigners in Montenegro, regulate temporary residence which is approved for the period of up to 1 year, in the case there is a legal basis for such a residence (temporary residence for the purpose of employment and work, family reunion, education and studying etc.). The persons who are not able to regulate their residence through the regular procedure of the Law on Foreigners, in a way previously described, will be considered as foreigners with illegal residence in Montenegro. In that case, the legal obligation of competent authorities, in particular the Ministry of Interior, would be to enable return of these persons to their states of origin, in accordance with the procedures envisaged in readmission agreements. Montenegro concluded readmission agreements with Serbia, Kosovo, Albania, Croatia and Bosnia and Herzegovina.

215. The requests for naturalization into Montenegrin citizenship, submitted by displaced persons are resolved in the legally defined timeframe. So far 1,045 displaced persons were admitted to Montenegrin citizenship through naturalization, and 58 guarantees have been issued to displaced persons, stating that they will acquire Montenegrin citizenship if they bring a discharge from their citizenship of origin. Out of this number of issued guarantees for acquiring Montenegrin citizenship through naturalization, the procedure following 15 requests based on issued guarantees is ongoing. The difference refers to the number of persons who met the conditions for naturalization to Montenegrin citizenship, or withdrew their requests.

Statistics

216. In the period from 7/11/2009 (the date of entering into force of the Law on Amendments to the Law on Foreigners), to 30/06/2015,displaced and internally displaced persons submitted in total 14,022 requests for obtaining permanent settlement or up to three years' temporary residence permit. Out of this number 11,523 requests were solved, while the procedure for 2,499 requests is ongoing.

Displaced persons

217. 4,673 requests for obtaining permanent settlement permit were submitted. 4,426 requests were solved, while the procedure for 247 requests is ongoing.

Internally displaced persons

218. 7,906 requests for obtaining permanent settlement permit were submitted 6,602 requests were solved, while the procedure for 1,304 requests is ongoing.

Temporary residence up to three years — displaced persons

219. 300 requests for obtaining temporary residence up to three years were submitted. 223 requests were resolved, while the procedure for 77 requests is ongoing.

Temporary residence up to three years — internally displaced persons

220. 1,143 requests for obtaining temporary residence up to three years were submitted. 272 requests were resolved, while the procedure for 871 requests is ongoing.

Recommendation in paragraph 35(d)

221. Upon renewing its independence in 2006 and acquiring the membership in the United Nations Montenegro agreed to continue with application of all the UN conventions which had been ratified by the countries which Montenegro was the part of, including the Convention on the Status of Persons without Citizenship from 1954.

222. In 2007 Montenegro became a member state of the Council of Europe and acceded to the Convention on the Reduction of Statelessness in relation to the succession of states. It also acceded to the European Convention on Nationality in 2010, with the reserve to Article 16 ("A State Party shall not make the renunciation or loss of another nationality a condition for the acquisition or retention of its nationality where such renunciation or loss is not possible or cannot reasonably be required.").

223. In December 2013 Montenegro ratified the UN Convention on Reduction of Statelessness from 1961, which makes her one out of only a few European countries that acceded to both UN conventions and both CoE conventions that deal with the issue of statelessness.

224. The Ministry of Interior, as a carrier of primary authority and its implementing partners UNICEF and UNHCR announced the Public Call for persons residing in Montenegro but do not have access to citizenship of any country, or cannot prove that they have it, to approach the nearest branch office of the Ministry of Interior, in order to provide them with their personal data. The media campaign lasted in the period from 22 September to 22 November of 2014. The questionnaire was prepared for persons who applied on a public call in order to identify which category they belong to.

225. After collecting closer data, it was determined whether those persons legally resided in Montenegro, which is one of the basic conditions prescribed by law to acquire Montenegrin citizenship, depending on the number of years of legal residence, whether they had earlier submitted requests for acquiring citizenship through naturalization and in which phase of solving their requests were, as well as whether they possessed any identification document, a birth certificate etc., which had to be backed up by evidence. In total 486 persons answered the call and filled in those questionnaires. After that the comprehensive analyses of this public call was conducted.

Marriage and family relations

Recommendation in paragraph 37(a), (b)

226. A spouse can have the entitlement to family pension in accordance with legal regulations from the area of pension and disability insurance. Family pension is determined by old-age or disability pension that would be granted to the insuree at the time of death, that is, by pension which would be granted to the beneficiary at moment of death, in a percentage determined by the number of family members eligible for this pension, as such: for one member 70 per cent; for two members 80 per cent; for three members 90 per cent; for four or more members 100 per cent. The minimum pension level is determined when the insuree's pensionable service is multiplied by the coefficient 0.5, which means that, in calculating the pension amount, the insuree is guaranteed a personal coefficient 0.5, i.e., he/she during his/her working life realized profit in the amount of 50 per cent of the average wage in Montenegro. In addition to such determined minimum pension the insuree is, if it is more favourable for him, guaranteed a minimum pension in the nominal amount which amounts to 100,40 EUR. Therefore, when determining the pension amount it is compared which one of the two minimum pensions is higher, whether it is the minimum pension with personal coefficient of 0.5 or the minimum pension in nominal amount. The insuree is granted the more favourable amount.

227. The law also defines minimum partial disability pension, which is determined in the amount of 75 per cent of the minimum full disability pension. Minimum family pension is determined by the minimum old-age or disability pension that would be granted to the insuree at the time of death, that is, by the minimum pension granted to the beneficiary at the moment of death, in a percentage determined depending on the number of family members entitled to family pension. Instead of such determined minimum family pension, family members, if it is more favourable for them, are granted the minimum family pension in the nominal amount of 100.40 EUR.

228. The Law on Amendments to the Family Law is currently being drafted, and the working group which is formed for preparing the text of the law has been informed about the Committee recommendation.

Forced and early marriage

Recommendation in paragraph 39

229. Part of the relevant information was provided in replies the recommendations 21 and 35.

230. In 2014 a training was organized on the topic of "Education of parents, children, RAE activists and civil servants on the protection from violence in family and early forced marriages" — by the Ministry for Human and Minority Rights, Police Directorate/Local unit from Nikšić and NGO "Centre for Roma initiatives" from Nikšić, for 44 participants.

231. NGO Centre for Roma Initiatives in cooperation with women NGO RAE network "First", with the support of the Ministry for Human and Minority Rights, in 2014 organized a round table where the results of the study "Arranged marriage

stronger than law" were presented. Printing of the publication was financed by the Ministry for Human and Minority Rights.

232. In 2014, through the project financed by the US Embassy to Montenegro, and with the support of the Ministry for Human and Minority Rights, NGO Centre for Roma Initiatives conducted the first national research on the causes of early arranged marriages, which covered 652 representatives of RE population. Through joint action of the state authorities and the Centre for Roma Initiatives, 20 cases of early arranged marriages were prevented. The possibility for entering into extramarital union was decreased in three cases of arranged child marriages by the Police Directorate-Unit in Nikšić, who prevented three Roma girls to leave the country and enter into extramarital union.

233. Amendments to the Criminal Code from 2013 introduced a number of new solutions. In the case of criminal act Concluding a void marriage from the Article 214 a graver form of offence is defined in the case that a person is by force or threat compelled to conclude marriage. In the case of criminal act Extramarital community with a minor from the Article 216 a graver form is supplemented by a qualificatory circumstance when the offence was committed by the use of force or threat. Therefore, these two criminal acts are now defined as follows:

Concluding a void marriage

Article 214

1. Anyone who concluding a marriage hides from the other party a fact due to which the marriage becomes void or deceives or keeps the other party deceived on that fact, shall be punished by an imprisonment sentence of three months to three years.

2. Anyone who compels other person to enter into marriage by force or threat, shall be punished by an imprisonment sentence of six months to five years.

3. Prosecution can be undertaken only if the marriage concluded is pronounced void for reasons as of Paragraphs1 and 2 of this Article.

Extramarital community with a minor

Article 216

1) An adult person who lives in an extramarital community with a minor, shall be punished by an imprisonment sentence of three months to three years.

2) A parent, adoptive parent or a guardian who enables a minor to live in an extramarital community with another person or incites him/her into it shall be punished by a penalty referred to in Paragraph 1 of this Article.

3) If an act as of Paragraph 2 of this Article is done by force, threat, or for gain, the perpetrator shall be punished by an imprisonment sentence of six months to five years.

4) If a marriage is concluded, prosecution shall not be undertaken, and if it is undertaken it shall be stopped.

Statistics are provided in Annex 5.

Amendment to article 20, paragraph 1, of the Convention

Recommendation in paragraph 40

234. Process in procedure.

Beijing Declaration and Platform for Action

Recommendation in paragraph 41

235. Information provided in the reply to the recommendation 11.

Dissemination

Recommendation in paragraph 42

236. After receiving recommendation from the Committee, meetings were held with local and national gender focal points, and recommendations were presented to them. The recommendations were also presented at the VIII meeting of the Forum for dialogue with NGOs, in December 2011, as well as at the special thematic session of the Committee for Gender Equality of the Parliament of Montenegro. All of the certified trainers for prosecutors, judges, social workers, police officers are due to include CEDAW recommendations in their presentations. Through the media the public has been familiarized with the content of the recommendations, especially through the activities of the Ministry for Human and Minority Rights. All the international documents, as mentioned previously, are covered as a mandatory topic of all the trainings and campaigns having to do with gender equality.

Ratification of other treaties

Recommendation in paragraph 43

237. Particular provisions of ICRMW are not aligned with positive legal regulations which regulate the statutory issues of the residence of foreigners in Montenegro. Ratifying this convention would result in the necessity to change existing regulations, in a way that does not guarantee alignment of national legislation with EU acquis. The Law on Employment and Work of Foreigners, when it comes to legal migrations and employment of foreigners, is based on the standards of ILO, most significantly the ILO Constitution. This law defines migration policies that protect the interests of foreign workers and members of their families which legally reside in Montenegro. Therefore it is not necessary to ratify ICRMW because interests of the migrants are already protected.

Report on the implementation of the articles of the Convention

Part I-Articles 1-6

Article 2

238. In the areas of antidiscrimination and equal opportunities the basic law is **the Law on Prohibition of Discrimination**, as an organic law providing the basis and mechanisms for the fight against discrimination on any personal characteristic (race,

colour, citizenship, nationality or ethnic origin, religious or political beliefs, sex, gender identity, sexual orientation, birth, genetic characteristics, health, disability, marital and family status, age, membership in political, trade union and other organizations, and other real or presumed personal characteristics). The Law also characterizes incitement to discrimination as discrimination. The scope of the Law is defined, i.e. the Law applies to all persons to whom regulations of Montenegro apply (citizens, foreigners, IDPs, asylum seekers, etc.).

239. The Law defines terms of harassment, mobbing, segregation, and particularly emphasizes grave form of discrimination, which should be a guide to court when deciding on sanctions or amounts for compensation of damage.

240. Discrimination in proceedings before public authorities, discrimination in the use of facilities and areas in public use, discrimination based on health status, discrimination based on age, discrimination in the field of education and vocational training, discrimination in the field of labour, discrimination on the basis of religion and belief, discrimination against persons with disabilities, discrimination based on gender identity and sexual orientation are particularly emphasized.

241. Amendments to the Law changed the concept of direct discrimination and the Law is now fully aligned with European legislation. It is specified that the Law applies to public and private sectors, special forms of discrimination were introduced ("harassment", "sexual harassment" and "racial discrimination"), a more comprehensive definition of "hate speech" was given, and a ban on "victimization" was introduced, discrimination against persons with disabilities also makes an integral part of this Law; the following terms are defined: "gender identity" and "sexual orientation", competences of the Protector of Human Rights and Freedoms of Montenegro are specified as an institutional mechanism for implementation of this Law.

242. The Law on the Protector of Human Rights and Freedoms regulates jurisdiction, powers, manner of operation and conduct of the Protector in protecting human rights and freedoms guaranteed by the Constitution, law, ratified international treaties on human rights and generally accepted rules of international law, as well as other issues of importance for the work of the Protector. Moreover, a more transparent process of selection of candidates for the Protector is provided, the powers of the Protector were expanded as the national mechanism for the prevention of torture (NPM).

243. Law Amending the Law on Gender Equality was adopted on 26th June 2015 by the Parliament of Montenegro. The text of the Law was agreed with the European Commission, before it was sent to the Government of Montenegro for adoption. It is important to note that this Law extended the scope of sanctions related to gender discrimination and violation of the principle of equal treatment of men and women in certain areas of life, including discrimination against women due to pregnancy.

244. The Law Amending the Law on Gender Equality is aligned with the Law against Discrimination, as well as with the EU acquis. This primarily refers to harmonization of definitions of discrimination based on sex with the definitions of direct and indirect discrimination in line with EU standards.

245. The Law Amending the Law on Gender Equality is aligned with EU Directives related to gender equality and equal treatment of women and men: Council

Directive 79/7/EEC; Council Directive 2000/78/EC; Council Directive 2004/113/EC; Directive 2006/54/EC; Directive 2010/41/EU.

246. This Law sets the elimination of discrimination based on sex and the achievement of gender equality as imperatives, since introduction of penalty provisions prescribed a very clear obligation for legal entities, responsible persons in legal entity, and entrepreneurs and women entrepreneurs to respect anti-discrimination standards and norms providing full realization of gender equality. It is expected that the prescribed sanctions will contribute to better implementation of the law which is the most important mechanism for elimination of discrimination based on sex in all areas and structures of society.

247. This Law defines that gender equality, beside men and women, involves people of different gender identity. The proposal also extended the obligation to conduct gender equality to companies, other legal entities and entrepreneurs. The new proposal defines the issues of direct and indirect discrimination on grounds of sex (alongside with all forms of discrimination) is within the jurisdiction of the Protector of human rights and freedoms, and in accordance with that procedure to petitions in cases of discrimination based on sex in the competence of this institution. The proposal introduces more violations than it has been the case so far.

248. Sex-based discrimination is defined in the Article 4, as such:

> "Discrimination based on sex is every legal and de facto, direct or indirect differentiation or unequal treatment, or lack of treatment towards one person, or group of persons of one sex in relation to persons of other sex, as well as exclusion or restriction or giving privilege to one person, or group of persons of one sex in relation to persons of another sex, which makes other person being difficult or negated acknowledgement, enjoyment or exercising of rights and freedoms in civic and political, economic, social, cultural, and in other fields of public and private life. Incitement, helping, giving instructions, as well as announced intention to discriminate against a certain person or a group of persons is also considered to be discrimination based on sex. Discrimination is also every treatment wherewith a women is put in a more unfavourable position in relation to other persons due to pregnancy or motherhood, in the process of employment, self-employment, exercising the rights on the basis of social protection and other rights. Sex-based harassment, Sexual harassment, incitement of other person to discrimination and usage of words in masculine gender as generic neutral form for masculine and feminine gender, within the meaning of the paragraph 1 of this article is considered to be discrimination. The right of women on protection of maternity and prescribed special protection at the working place for biological characteristic is not considered to be discrimination from the paragraph 1 of this Article."

249. The new Law on the Prohibition of Discrimination of Persons with Disabilities has been adopted on 26 June 2015 by the Parliament of Montenegro.

250. This Law obtained some very significant articles relating to the following: the introduction of several new form of discrimination, especially when it comes to discrimination in the field of accessibility to areas and facilities in public use, discrimination in access to goods and services, discrimination in health care, social and child protection, in access to public transport, limiting the rights to independent living and life in community, the freedom of opinion and expression, discrimination

in family relations, area of education, professional rehabilitation, labour and employment, political and public life, area of culture, sports, etc. The Law also content the penalty provisions with very high amount of fines which are enough dissuasive for actors of discrimination.

Article 3

251. Covered in recommendations.

Article 4

252. As mentioned above in replies to the recommendations, the laws and strategic documents ensure gender equality through general and special measures.

Article 5

253. Covered in recommendations.

Article 6

254. Covered in recommendations.

Part II-Articles 7-9

Article 7

255. Covered in recommendation 23.

Article 8

256. In diplomatic-consular services of Montenegro women are underrepresented, especially on higher positions. The situation, however, has been improving in relation to the previous period, when these positions were considered to be exclusively male. The table is provided in the Annex 6.

Article 9

257. The Law on Montenegrin Citizenship stipulates that the person who has been married to a Montenegrin citizen for at least three years and has lived in Montenegro legally and continuously for at least five years may acquire Montenegrin citizenship by naturalization if that person has reached 18 years of age; has a guaranteed residence and guaranteed permanent source of income in Montenegro of an amount that enables material and social welfare; has not been irrevocably sentenced in Montenegro or a foreign state to a prison term longer than one year and for a criminal offence prosecuted "ex officio" or legal consequences of such sentence are cessated, or if the person poses no threat to the security and defence of Montenegro.

258. We emphasize that in the case of admission to Montenegrin citizenship through naturalization no release from the citizenship of another state is required. In addition to this, the provisions of this law also refer to a person who had been married to a Montenegrin citizen for at least three years, and the marriage ended due to the death of a spouse.

259. There have been no changes in the Montenegrin Citizenship Act since 2011 which refer to acquiring Montenegrin citizenship by naturalization, after entering into marriage with a Montenegrin citizen.

Part III-Articles 10-14

Article 10

260. Covered in recommendations.

Article 11

261. Covered in recommendations.

Article 12

262. Covered in recommendations.

Article 13

263. Measures are undertaken through particular laws (the Law on Social and Child Protection, the Law on Health Protection, the Law on Health Insurance, the Law on banks, the Law on Sports).

Article 14

264. The Programme for improving employability of women in rural areas of Montenegro (2013-2016) has been brought as a result of two years' project "Strengthening economic and social rights of women in Montenegro", which was implemented by the Department for Gender Equality, with the support of UN-Women. The development of the Programme was preceded by the research from 2011, conducted in 13 municipalities and 1020 households, which dealt with the position and the needs of women from rural areas. The Programme defines priority goals, measures and activities that will lead towards greater and more quality economic participation of rural women.

265. The Ministry of Agriculture and rural development has been continuously, since 2011, through MIDAS and IPARD projects providing financial support to the activities of rural women. When it comes to receiving funds from these projects, as an affirmative measure a larger number of points is given to women applicants as opposed to men.

266. Other information is covered in recommendations.

Part IV-Articles15-16

Article 15

267. Covered in recommendations.

Article 16

268. Covered in recommendations.